

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTS

Applicant: Tetsuo Shibuya

Examiner: Unassigned

Serial No.: 09/737,190

Art Unit: Unassigned

Filed: December 14, 2000

Docket: 14043 (JP919990270US1)

For: A METHOD FOR CHANGING
A TARGET ARRAY, A METHOD FOR
ANALYZING A STRUCTURE, AND AN
APPARATUS, A STORAGE MEDIUM AND A
TRANSMISSION MEDIUM THEREFOR

Dated: November 5, 2001

Assistant Commissioner for Patents
Washington, DC 20231

**RESPONSE TO NOTICE OF
INCOMPLETE REPLY**

Sir:

In response to the Notice of Incomplete Reply dated October 5, 2001 and further in accordance with the provisions in 37 C.F.R. §1.821 and instructions received from the United States Patent and Trademark Office Customer Service Center Supervisor, Ms. Valerie Kinerd on November 5, 2001, Applicant herewith submits a substitute paper copy of a Sequence Listing and a substitute computer readable copy of the Sequence Listing, along with a separate Statement Under 37 C.F.R. §1.821(f), stating that these copies are identical.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on November 5, 2001.

Dated: November 5, 2001


Michelle Mustafa

Responsively to a Notice of Incomplete Reply dated June 4, 2001 issued in response to Applicant's failure to completely respond to the Notice to File Missing Parts issued March 21, 2001 and in accordance with the provisions in 37 C.F.R. §1.821, Applicant in good faith submitted to the United States Patent and Trademark Office (i.e., "USPTO") on July 11, 2001 an initial paper and an initial computer readable copy of the Sequence Listing, along with a separate Statement Under 37 C.F.R. §1.821(f), stating that these copies are identical.

In response to Applicant's submission of July 11, 2001, the USPTO issued a new Notice of Incomplete Reply dated October 5, 2001, ascertaining that the initial paper and an initial computer readable copy of the Sequence Listing had errors and directing the Applicant to provide substitute paper and computer readable copy of the Sequence Listing. That is, the errors consisted of nucleotides being designated as 'n' in the second sequence listing for organism "Streptococcus angionosus." Therefore, Applicant herewith submits a substitute paper copy of the Sequence Listing and the substitute computer readable copy of the Sequence Listing, along with a separate Statement Under 37 C.F.R. §1.821(f), stating that these copies are identical. Applicant respectfully submits that the 'n' at all positions in the second sequence listing (i.e., ascertained as errors by the USPTO) have now been correctly designated, i.e., representing nucleotides that are uncertain.

On November 5, 2001, Applicant contacted the USPTO regarding the time period for reply set forth in the Notice of Incomplete Reply dated October 5, 2001. The Customer Service Center Supervisor, Ms. Valerie Kinerd, stated that since the initial paper and the initial computer readable copy of the Sequence Listing were filed in good faith, the Notice of Incomplete Reply of October 5, 2001 set forth an inappropriate time period for the reply, i.e., running from the original Notice of Incomplete Reply dated June 4, 2001 instead of the subsequent Notice of October 5, 2001. The Supervisor, Ms. Valerie Kinerd, further advised the Applicant that Applicant would not incur any additional extension of time fees if the substitute paper copy of the Sequence Listing and the substitute computer readable copy of the Sequence Listing are filed with the USPTO within a month of the above-identified Notice of Incomplete Reply of October 5,

2001, i.e., by November 5, 2001. As above-mentioned, Applicant herewith submits the substitute paper copy of the Sequence Listing and the substitute computer readable copy of the Sequence Listing, along with the separate Statement Under 37 C.F.R. §1.821(f), stating that these copies are identical. Applicant respectfully submits that no additional fees are therefore due.

However, if the USPTO determines that additional fees are due, the USPTO is advised that the following deposit account is to be charged in connection with such fees: 50/0510.

Applicant respectfully submits that the content of the substitute paper and substitute computer readable copies of the sequence listing does not introduce new matter.

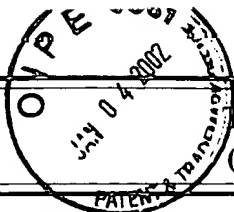
Respectfully submitted,



Steven Fischman
Registration No. 34,594

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

SF/AGV:ab



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
14043 (JP919990270US1)

In Re Application Of: **Tetsuo Shibuya**

Serial No.
09/737,190

Filing Date
December 14, 2000

Examiner
Unassigned

Group Art Unit
Unassigned

Title: **A METHOD FOR CHANGING A TARGET ARRAY, A METHOD FOR ANALYZING A STRUCTURE, AND AN APPARATUS, A STORAGE MEDIUM AND A TRANSMISSION MEDIUM THEREFOR**

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Response to Notice of Incomplete Reply; Copy of Notice of Incomplete Reply dated 10/5/01;
Statement Under 37 C.F.R. 1.821(f); Paper Copy of Sequence Listin and Computer Readable Form of Sequence
Listing on Diskette**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **50/0510** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.

Signature

Dated: **November 5, 2001**

Steven Fischman
Registration No. 34,594
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

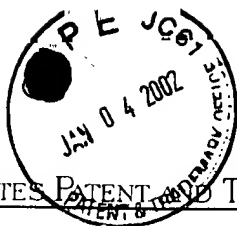
I certify that this document and fee is being deposited on **November 5, 2001** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Michelle Mustafa

Typed or Printed Name of Person Mailing Correspondence

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/737,190 | 12/14/2000 | Tetsuo Shibuya | 14043 (JP919990270US1) |

CONFIRMATION NO. 9159

FORMALITIES LETTER



OC000000006851599

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, NY 11530

Date Mailed: 10/05/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 07/13/2001 to the Notice to File Missing Parts (Notice) mailed 06/04/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

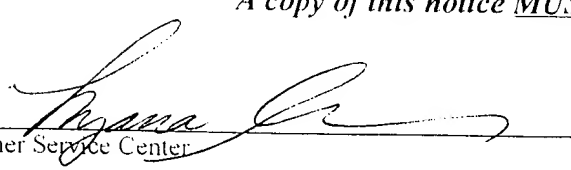
A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

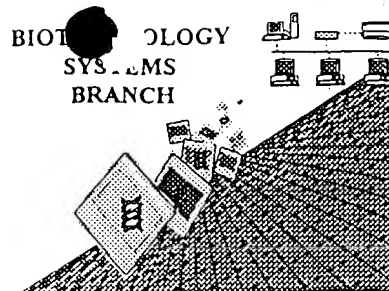
*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/737,190

Source: OPE

Date Processed by STIC: 7/25/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

Raw Sequence Listing Error Summary

ERROR DETECTED

SUGGESTED CORRECTION

SERIAL NUMBER: 09/732,190

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 _____ Wrapped Nucleics
_____ Wrapped Aminos
The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor **after** creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 _____ Invalid Line Length
The rules require that a line **not exceed** 72 characters in length. This includes white spaces.
- 3 _____ Misaligned Amino
_____ Numbering
The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use **space characters**, instead.
- 4 _____ Non-ASCII
The submitted file was **not** saved in ASCII(DOS) text, as **required** by the Sequence Rules. **Please ensure your subsequent submission is saved in ASCII text.**
- 5 _____ Variable Length
Sequence(s) _____ contain n's or Xaa's representing more than one residue. **Per Sequence Rules, each n or Xaa can only represent a single residue.** Please present the **maximum** number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.
- 6 _____ PatentIn 2.0
_____ "bug"
A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. **This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.**
- 7 _____ Skipped Sequences
_____ (OLD RULES)
Sequence(s) _____ missing. If intentional, please insert the following lines for **each** skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to **include** the skipped sequences.
- 8 _____ Skipped Sequences
_____ (NEW RULES)
Sequence(s) _____ missing. If **intentional**, please insert the following lines for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
- 9 _____ Use of n's or Xaa's
_____ (NEW RULES)
Use of n's and/or Xaa's have been detected in the Sequence Listing.
Per 1.823 of Sequence Rules, use of <220>-<223> is **MANDATORY** if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 _____ Invalid <213>
_____ Response
Per 1.823 of Sequence Rules, the only **valid** <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is **required** when <213> response is Unknown or is Artificial Sequence
- 11 _____ Use of <220>
Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses. Use of <220> to <223> is **MANDATORY** if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 _____ PatentIn 2.0
_____ "bug"
Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
- 13 _____ Misuse of n
n can only be used to represent a single **nucleotide** in a nucleic acid sequence. N is **not** used to represent any value not specifically a nucleotide.

OIPE

RAW SEQUENCE LISTING

DATE: 07/25/2001

PATENT APPLICATION: US/09/737,190

TIME: 13:05:30

Input Set : A:\14043.asc

Output Set: N:\CRF3\07252001\I737190.raw

Does Not Comply

4 <110> APPLICANT: Shibuya, Tetsuo
 6 <120> TITLE OF INVENTION: A Method for Changing a Target Array on a Removable Diskette Needles
 7 a Structure, and an Apparatus, a Storage Medium and a
 8 Transmission Medium Therefor
 10 <130> FILE REFERENCE: JP919990270US1 (14043)
 12 <140> CURRENT APPLICATION NUMBER: 09/737,190
 13 <141> CURRENT FILING DATE: 2000-12-14
 15 <160> NUMBER OF SEQ ID NOS: 2
 17 <170> SOFTWARE: PatentIn Ver. 2.1

ERRORED SEQUENCES

351 <210> SEQ ID NO: 2
 352 <211> LENGTH: 1334
 353 <212> TYPE: DNA
 354 <213> ORGANISM: Streptococcus anginosus
 356 <400> SEQUENCE: 2
 357 gaacgggtga gtaacgcgta ggtaacctgc ctattagagg gggataacta ttggaaacga 60
 359 tagctaatac cgcataacag tatgtaacac atgttagatg cttgaaagat gcaattgcat 120
 361 cgctagtaga tggacctgcg ttgtattagc tagtaggtag ggtaaaggcc tacctaggca 180
 363 acgatacata gccgacctga gaggggtgatc ggccacactg ggactgagac acggcccaga 240
 365 ctcctacggg aggcagcagt aggggaatctt cggcaatggg gggaacctg accgagcaac 300
 367 gccgcgtgag tgaagaaggt ttccggatcg taaagctctg ttgttaagga agaacgagtg 360
 E--> 369 tgagaatgga aagttcatac tgtgacggta ctttaaccaga aagggaaggc tttactacgtg 420
 E--> 371 ccagcagccg cggtaataacg taggtccca gcggttgccg gatttatttg gcgtaaagcg 480
 373 agcgcaggcg gttagaaaag tctgaagtga aaggcagtggt ctcaaccatt gtaggctttg 540
 375 gaaactgttt aacttgagtg cagaagggga gagtgggaatt ccatgtgtag cggtgaaatg 600
 377 cgtagatata tggaggaaca ccggtggcga aagcggctct ctggtctgta actgacgtg 660
 E--> 379 aggctcgaaa gcgtggggag cgaacaggat tagataccct ttttagtccac gccgtaaacg 720
 381 atgagtgcta ggtgttgggt cctttccggg actcagtgcc gcagctaacg cattaagcac 780
 383 tccgcctggg gagtacgacc gcaagggtga aactcaaagg aattgacggg ggccgcacaa 840
 E--> 385 gcggtggagc atgtttttta attcgaagaa acgcgaagaa ccttaccagg tcttgacatc 900
 E--> 387 ccgatgcttt ttctagagat aggaagtttc ttcggaacat cggtgacagg tgggtgatgg 960
 E--> 389 ttgtcgtcag ctcgtgtcgt gagatgttgg gtttaagtccc gcaacgagcg caacccttat 1020
 E--> 391 tgtttagttgc catcattaag ttgggcactc tagcgagact gccggtaatn aaccggagga 1080
 E--> 393 aggtggggat gacgtcaaat catcatgccc cttatgacct tggctacaca cgtgctacaa 1140
 395 tggctggtac aacgagtcgc aagccggtga cggcaagcta atctctgaaa gccagtctca 1200
 E--> 397 gtccggattg taggctgcaa ctccgcttca tgaagtcgga atcgctagta atcgcgatc 1260
 E--> 399 agcacgccgc ggtgaatacg ttcccgggcc ttgtacacac cgcctcgtcac accacgagag 1320
 401 tttgtaacac ccga 1334

→ Sil Item 9
 on Error
 Summary
 Sheet
 (Error
 throughout
 seq. 2)

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/737,190

DATE: 07/25/2001

TIME: 13:05:31

Input Set : A:\14043.asc

Output Set: N:\CRF3\07252001\I737190.raw

L:369 M:340 E: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:2
M:340 Repeated in SeqNo=2